

Date	1 st March 2012
Issue Ref:	HSE Information Sheet - 0021
Topic:	Workers exposed to asbestos at Redditch industrial unit
Details: Source – HSE WM589/12	<p>A Redditch freight firm, its managing director and a Birmingham contractor have been prosecuted for putting at least 20 people at risk of lung disease from asbestos fibres.</p> <p>The Health and Safety Executive (HSE) prosecuted Avon Freight Group Ltd (AFG) and its managing director Simon Poole, together with builder Ronald McPhee, over the exposure during work to convert the unit in Hemming Road, Redditch, into a new storage centre and headquarters for AFG.</p> <p>AFG's architect commissioned a survey that identified asbestos insulation board in a number of partition walls, which the company wanted to demolish, and obtained estimates for its removal from three licensed contractors.</p> <p>However, Worcester Crown Court heard Simon Poole instructed builder Ronald MacPhee, who was carrying out minor refurbishment work on the premises, to carry out the work even though he did not have a licence.</p> <p>Mr MacPhee and two other workers removed almost 1.5 tonnes of asbestos insulation board from the site and disposed of it as asbestos cement, which can be removed without a licence, some time between 24 April and 16 May 2008.</p> <p>Five months later, two other companies, who had been commissioned to demolish parts of the building and build an extension, discovered pieces of asbestos insulation board on the floor and still attached to retaining screws on the walls and alerted HSE.</p> <p>Analysis of the area revealed that it was contaminated with asbestos fibres and required decontamination by a specialist licensed asbestos contractor.</p> <p>HSE's investigation into the incident found that at least 20 people - including contract workers on the project, employees of AFG and workers for a tenant who had been using the site for storage, could have inhaled asbestos fibres during the five months.</p> <p>Speaking after the hearing, HSE inspector Tariq Khan said: "As a result of the appalling failings of the company and two individuals concerned, at least 20 people now have to live with the knowledge they have been exposed to asbestos. This type of exposure could cause life-threatening illnesses in years to come but because it takes so long to develop, these people will be left with years of uncertainty. AFG and Simon Poole knew that asbestos insulation board was present in the walls and presumably knew they should get an appropriately qualified person to dispose of it, having received estimates from three properly licensed contractors. Regardless of safety, they instructed Ronald MacPhee to remove it.</p> <p>"Mr MacPhee should never have carried out the work, and his partial removal of the asbestos insulation board left the site in an even less safe state than before, as it was contaminated with fibres.</p> <p>"Only licensed contractors are allowed to remove asbestos insulating board. If we find evidence of anyone who does not have a licence working with asbestos, we will not hesitate to bring enforcement action.</p> <p>"It is no excuse to claim ignorance of the law, especially as there is a wealth of advice and information available from HSE free of charge."</p>

	<p>Avon Freight Group Ltd, of Hemming Road, Redditch, pleaded guilty today to breaching Section 3(1) of the Health and Safety at Work etc Act 1974 and was fined £30,000 and ordered to pay £26,147 costs.</p> <p>Simon Poole, of Streetly Lane, Sutton Coldfield, pleaded guilty to breaching Section 3(1) of the Health and Safety at Work etc Act 1974 and was fined £30,000 and ordered to pay £26,147 costs.</p> <p>Ronald MacPhee, of West Avenue, Handsworth Wood, Birmingham, pleaded guilty to breaching Section 3(1) of the Health and Safety at Work etc Act 1974 and was fined £2,500 and ordered to pay £500 costs.</p>
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Recommended Action:	<p>Regulation 5 of the Control of Asbestos Regulations states: "An employer shall not undertake work in demolition, maintenance, or any other work which exposes or is liable to expose his employees to asbestos in respect of any premises unless either-</p> <p>a. he has carried out a suitable and sufficient assessment as to whether asbestos, what type of asbestos, contained in what material and in what condition is present or is liable to be present in those premises; or</p> <p>b. if there is doubt as to whether asbestos is present in those premises he-</p> <p>i. assumes that asbestos is present, and that it is not chrysotile alone, and</p> <p>ii. observes the applicable provisions of these Regulations."</p> <p>This work should have been done by a licenced contractor and shows a lack of basic knowledge relating to the requirements for working with and managing Asbestos risk in the work place – something that is an absolute requirement of the Asbestos Regulations.</p> <p>All persons who MAY come into contact with asbestos as a result of their work should as a minimum receive awareness training relating to asbestos with updates as necessary</p>
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Links/ References	<p>Information on working safely with asbestos is available at</p> <p>http://www.hse.gov.uk/asbestos/hiddenkiller/index.htm^[1] and</p> <p>www.hse.gov.uk/asbestos^[2]</p>
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Picture:	None
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Any queries please call Admiral Safety Ltd on 07711 033663 or email – anelson@admiralsafetyltd.co.uk

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